

08/894548



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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
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08/894,548 08/21/97 QIN

Y	7350-3
EXAMINER	

QM32/0816

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ART UNIT HART, K	PAPER NUMBER 10
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DATE MAILED:

08/16/99

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

### OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on 4/19/99

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

☒ Claim(s) 19-22 and 24-36 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 19-22 and 24-36 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17:2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

☐ Notice of Reference Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 19-22 and 24-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Ewall (4,977,892).

In regard to claim 19, note the adhesive layer of the wound dressing and its positive effects on the healing of the wound, column 3, lines 17-19 and column 8, lines 53-55, the hydrophilic second layer, column 3, lines 26-28 and a breathable film having an increased MVTR, column 3, lines 38-39 and column 9, lines 59-63. Note that the adhesive layer and fabric layer can be combined to make a single, layer, column 13, line 54, making the adhesive fabric layer the wound contact layer. It is inherent to the examiner that clotting occurs by way of agglutination of red blood cells and that this is a natural bodily process. Furthermore, the first, second breathable for film layer are associated with each other as is commonly found in the art. Any wound covering would provide the necessary covering means for this to naturally occur.

In regard to claims 20 and 21, note the characteristic of the adhesive layer to permit the passage of liquid, column 3, lines 17-19 and the ability of the hydrophilic layer to absorb 2 to 20 times its weight in exudate, column 3, line 45. It is inherent to the examiner that since the adhesive layer characteristically allows for the passage of exudate, only a negligible amount of exudate if any, will remain in that layer. Since the second layer is hydrophilic, the exudate will be

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totally comprised in this layer. This denotes the hydrophilicity being drastically more than only twice that of the first layer.

In regard to claim 22, note the response to claims 20 and 21. Additionally, since a primary characteristic of the adhesive layer is to allow for the passage of liquid to an extent greater than that claimed, it is inherent to the examiner to have a wound contact layer within the range of that claimed since the thicker the layer, the more absorbency will occur and the higher the hydrophilicity of the second layer will have to be to absorb the liquid from the first layer.

In regard to claims 24 and 25, it is inherent to the examiner to use a dressing, such as that claimed, for the purposes of debriding a wound and delivering components to a wound, since this is a common practice and purpose of wound dressings.

In regard to claim 26, note the combined adhesive-fabric layer containing calcium alginate, column 13, line 59.

In regard to claim 27, it is inherent to the examiner to use a woven, non-woven or knitted fibrous material as an absorbent layer in a wound dressing, e.g., cotton, gauze, as such is a common practice in wound dressing manufacture.

In regard to claim 28, it is inherent to the examiner to have a second more hydrophilic layer thicker than the first wound contact layer. The thicker the layer the greater the absorbency. An absorbance layer between 1-5 mm is a common thickness for an absorbent layer of dressing.

In regard to claim, not the alginate or sodium carboxymethyl cellulose embodiment of the hydrophilic layer, column 5, lines 44-46.

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In regard to claims 30 and 31, note that the a major purpose of the wound dressing is to transmit moisture through the dressing, column 9, lines 53-54, and that the MVTR for the film is specified, column 9, lines 43-47. It is inherent to the examiner increasing the MVTR of the film will increase the possibility of achieving the desired result of moisture of liquid migration. For one to increase the MVTR of a wound dressing to achieve this result would inherently be a common practice.

In regard to claim 32, note the thickness of the cover layer, column 9, line 50. The claim film is thinner as would be expected if one were trying to increase the MVTR. It is inherent to the examiner and obvious to one of ordinary skill in the art that a thinner film would result in an increased MVTR. For one to decrease the film of a wound dressing to achieve this result would inherently be a common practice.

In regard to claim 33, note the polyurethan, film, column 14, line 68.

In regard to claim 34, note the purpose of the adhesive, column 3, lines 18-20.

In regard to claim 35, it is inherent to the examiner that hyudroactive adhesives are common in the art. It is common to find adhesive which become hydrated and therefore display weakened adhesive properties.

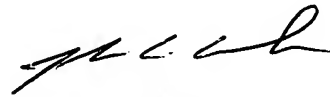
In regard to claim 36, note the purpose of the dressing, column 9, lines 53-60. It is inherent to the examiner that if the goal is to increase the MVTR, that the thickness of the layer plays a very important and crucial role. As the thickness of the layer is decreased, the MVTR will

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increase. Since a major purpose for the wound dressing is to allow for the passage of moisture through the dressing, one decreasing the thickness of the adhesive layer to achieve an increased MVTR is inherently a common practice.

Any inquiry concerning this communication should be directed to Kelvin Hart at telephone number (703) 308-4543.

Kelvin Hart:bhw  
May 24, 1999



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